REMARKS

The present Amendment and Response is responsive to the non-final Office Action mailed December 12, 2006. Claims 34-37, 39-44, 47-50, 52-57, and 60-75 remaining pending. By the present Amendment, Claims 39 and 52 have been canceled. Independent Claims 34 and 47 have been amended to recite that the first bill information is electronically available to the first consumer directly from the first biller. Support for the amendment can be found in the specification in at least page 19, line 15 – page 20, line 9. Independent Claims 62 and 69 have been amended to clarify the language regarding the first bill information. Dependent Claims 37, 40-44, 50, 53-57, 60, 61, 63, 64-68, 70, and 71-75 have been amended to conform to the amendments to the respective independent claim or to otherwise add clarity to the claims. Reconsideration and allowance of the application, as amended, is requested.

Claim Rejections Under 35 U.S.C. § 103(a)

In the non-final Office Action, Claims 34-37, 47-50, 52-57, and 60-75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,956,700 to Landry ("Landry"). With respect to Claims 34, 47, 62, and 63, the Office Action could not find within Landry, the claimed feature of "receiving by the service provider a first notification directive from a first consumer and based at least in part on the received first notification directive, transmitting a notice of availability of at least a portion of the first billing information to the first consumer." Instead, the Office Action alleges that "it would have been obvious to a person of ordinary skill in the art...to allow for the customers to opt out to receive or not receive billing information...since the bill generator 12 is the entity that would make the payments and it receives the necessary information to make the payments there is no need for the customers to receive unnecessary billing information if they don't want to." (Office Action, page 3). Likewise, with respect to Claims 60-61 and 69-70, the Office Action takes Official Notice that it is old and well known for customers to opt out for different payment methods and notification directives based on the consumer's needs. (Office Action, page 3). Applicants respectfully traverse the Office Action's reliance on such common knowledge and the taking of such Official Notice, and assert that the claims are allowable over Landry. Moreover, Applicants respectfully submit that Office Action's reliance on common knowledge / taking of Official Notice

incorrectly refers to bill information, and not a "notice of availability" of bill information. Indeed, amended independent Claims 34, 47, 62, and 69 recite transmitting (or not transmitting) a "notice of availability"of bill information, which even when received, allow the user to decide whether to access the billing information or not.

Applicants note that the earliest priority date of the application is March 3, 1998. As of March 3, 1998, Applicants were not aware of any billing systems that allowed for customers to selectively opt out of receiving notices of availability of bill information. More particularly, Applicants were not aware of a billing system that provided for receiving by the service provider a notification directive from a consumer and based at least in part on the received notification directive, either transmitting or not transmitting a notice of availability of bill information to the consumer, as supported by independent Claims 34, 47, 62, 69 and dependent Claims 60, 61, 63, and 70.

Moreover, Applicants respectfully submit that MPEP §2144.03 cautions that "[o]ffical notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to common knowledge in the art are capable of instant and unquestionable demonstration as well-known." (emphasis added). Similarly, "[i]f Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable." (MPEP §2144.03(B)). In particular, "[t]he examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge." (*Id.*).

As described above, based upon Applicants' belief of the state of billing systems as of March 3, 1998, Applicants do not believe that the Examiner's reliance on common knowledge or taking of Official Notice is capable of instant and unquestionable demonstration as well-known. Furthermore, no technical line of reasoning underlying a decision to take such a notice has been provided in the Office Action. Instead, the Office Action merely provides a broad, conclusory statement that "a customer might want to direct payment to one company and might want to receive or not receive billing information from others." Notwithstanding the fact that such a conclusory statement is not "evidence," there is also no evidence in the record, including Landry, to support the assertion of such common knowledge or Official Notice.

Therefore, Applicants respectfully traverse the Examiner's reliance on common knowledge or taking of Official Notice that it is old and well known for customers to opt out for different payment methods and notification directives based on the consumer's needs. Accordingly, Applicants submit that independent Claims 34, 47, 62, 69 are allowable over Landry since the combination of Landry and common knowledge/Official Notice is improper, and Landry does not teach or suggest all of the features of the independent claims. All of the dependent claims are likewise allowable as a matter of law since they ultimately depend from an allowable base claim, notwithstanding their independent recitation of patentable features.

Furthermore, with respect to independent Claims 34, 47, 62, and 69 and dependent Claims 60, 61, 63, and 70, Applicants remind the Examiner that the claims are not directed only to transmitting, or not transmitting, a notice of availability of bill information based upon the notification directive. Instead, these notification directives are provided in the context of an automatic bill payment scenario, as illustrated by the feature of "automatically directing payment of the first bill...without the service provider receiving a request to pay the first bill."

Likewise, independent Claims 34 and 47, as amended, similarly recite that the customer receives a notice of availability of bill information from the service provider while the actual bill information is electronically available to the consumer directly from biller. Indeed, such a feature provides novel and non-obvious advantages (e.g., biller control) over Landry, as described in the specification of the present invention:

> [I]t may be desirable in some cases for the biller stations 110a-110d to communicate some or all bill related information via the network 100 directly to the payor stations 120a-120d while the notices of the availability are generated and transmitted by the CF station 140 directly to the appropriate payor stations. This facilitates biller control over bill related information which could be stored exclusively on a memory device at the appropriate biller station. (Specification, page 19, lines 25-33).

By contrast, in Landry, such bill related information is not stored exclusively on an appropriate biller station, but is instead stored on a bill generator station. (Landry, col. 11, lines 51-67 and col. 14, lines 40-43). Accordingly, independent Claims 34 and 47 and their respective dependent claims are further allowable over Landry.

With respect to dependent Claim 75, the Office Action took Official Notice that "it is old and well known in billing or the like to retrieve an account number based on the person's name

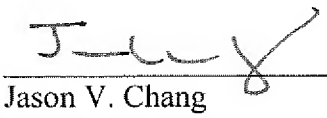
or social security number in order to allow accessing an account number even when a customer doesn't remember his account number." Applicants respectfully traverse the Official Notice as applied to Claim 75 (or Claims 44, 57, and 68). In particular, Claim 75 recites that the pre-bill payment authorization excludes the biller account number. This feature provided by Claim 75 does not refer to the customer not "remembering" an account number, as recited in the Official Notice, but instead refers to the fact that pre-bill payment authorization specifically does not include the biller account number. Accordingly, not only is the taking of Office Notice improper, it also does not teach or suggest all of the features of Claim 75. Accordingly, Claim 75 remains allowable.

As all of the independent claims have been demonstrated as being allowable, Applicants respectfully submit that the dependent claims are allowable as a matter of law as depending from allowable independent claims, notwithstanding their independent recitation of patentable features.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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